

Order

Michigan Supreme Court
Lansing, Michigan

October 14, 2005

Clifford W. Taylor,
Chief Justice

126183

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

RANDY PERRY,
Plaintiff,

v

SC: 126183
COA: 252208
Genesee CC: 02-074637-CK

FARM BUREAU INSURANCE COMPANY,
Defendant.

By order of October 28, 2004, the application for leave to appeal was held in abeyance pending the decision in *Rory v Continental Insurance Company* (Docket No. 126747). On order of the Court, the opinion having been issued on July 28, 2005, 473 Mich 457 (2005), the application for leave to appeal the April 9, 2004 order of the Court of Appeals is again considered, and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Genesee Circuit Court for entry of an order granting summary disposition in favor of defendant, pursuant to the holding in *Rory, supra*.

CAVANAGH, J., would deny leave to appeal.

WEAVER, J., would grant leave to appeal to reconsider *Rory v Continental Insurance Company*, 473 Mich 457 (2005).

KELLY, J., joins the statement of WEAVER, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 14, 2005

Corbin R. Davis

Clerk